

1 Michael Goering (Special Needs Trust)**Case No. 0575302****Attorney: David N. Knudson (for Petitioners/Trustees Michael Poppacoda & Joyce Thomas)****Accounting Eighteenth Account and Report of Co-Trustees and Petition for its Settlement, for Approval and Allowance of Trustees Compensation and Attorney's Fees for Authority to Deposit Funds to Blocked Account; and for Instructions to make Payments to Related Party on Behalf of Beneficiary**

		MICHAEL PAPPACODA and JOYCE THOMAS , Co-Trustee, are petitioners.	NEEDS/PROBLEMS/COMMENTS:
		Account period: 01/01/14 – 12/31/14	
Cont. from		Accounting - \$220,315.88	1. Minute order dated 5/1/14 ordered the trustee's to itemize all fees on future accountings. This accounting still has the trustees receiving a portion of their fees as a percentage of the property on hand. – Please see additional page for Declaration of Joyce Thomas regarding Trustee's Fees.
<input type="checkbox"/>	Aff.Sub.Wit.	Beginning POH - \$184,000.55	
<input checked="" type="checkbox"/>	Verified	Ending POH - \$195,169.14	
<input type="checkbox"/>	Inventory	Bond has been waived.	
<input type="checkbox"/>	PTC	Trustees - \$2,901.69 (1% of the value of the assets for general services totaling \$1,951.69 plus 19 hours @ \$50/hr. (\$25/hr. for each trustee, totaling \$950.00) for specific services such as taking the beneficiary to appointments that require the presence of both trustees.)	
<input checked="" type="checkbox"/>	Notice of Hrg	Attorney - \$2,902.50 (per itemization and declaration, 8.65 hrs. at \$300/hr. attorney time and 4.10 hrs. @ \$75/hr. paralegal time)	
<input checked="" type="checkbox"/>	Aff.Mail	Costs - \$200.00 (filing fees)	
<input type="checkbox"/>	Aff.Pub.	Petitioner's state pursuant to the Order establishing the Trust, if the balance of the Trustee's checking account exceeds \$10,000.00 excess funds are to be transferred into the Trust's blocked account. The balance of the checking account currently exceeds \$10,000.00. Petitioners request the authority to deposit the sum of \$10,000.00 to the blocked account.	
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		Note: A status hearing will be set as follows: <ul style="list-style-type: none"> Wednesday, July 15, 2015 at 9:00a.m. in Dept. 303 for the filing of the receipt for blocked account. Wednesday, February 24, 2016 at 9:00a.m. in Dept. 303 for the filing of the nineteenth Account and Report of Trustees. Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input checked="" type="checkbox"/>	2620(c)		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		Reviewed by: KT
<input type="checkbox"/>	Citation		Reviewed on: 6/25/15
<input type="checkbox"/>	FTB Notice	Please see additional page	Updates:
			Recommendation:
			File 1 - Goering

Petitioner states as set forth in this accounting and as affirmed in the accountings filed over more than 15 years, the trustees have made payments to Joyce Thomas, mother of the beneficiary, and the person in whose home he resides for his special needs. Payments made monthly include:

PG&E	\$200.00
Care for the beneficiary	\$200.00
Housekeeping services	\$200.00
Cable TV	\$200.00

In addition telephone and internet services are provided to the residence with a portion paid by the trust and the balance paid by Joyce Thomas. During the accounting payments to AT&T were approximately \$95.00 per month. In addition, the Trustees reimbursed Joyce Thomas for various items purchased for the beneficiary.

Petitioners requests the authority to continue making payments to Joyce for the benefit of the beneficiary, subject, always, to review by the court upon the filing of each annual accounting.

Petitioners pray as follows:

1. That the Eighteenth Account and Report of Trustee is approved, allowed and settled;
2. That all acts and transactions of the Trustee and shown in the account be approved;
3. That the Trustees be allowed the sum of \$2,901.69 for their services as Trustees;
4. That the Attorney for the Trustee be allowed the sum of \$2,902.50 for his legal services rendered to said Trustees plus costs of \$200.00 during the account period.
5. That Trustee be instructed an directed to continue making payments to Joyce Thomas for housekeeping services, care services, cable television and to pay an equitable share of the AT&T charges.
6. That the Trustees be authorized and directed to deposit the sum of \$10,000.00 to the trust's blocked account.

Declaration of Joyce Thomas filed on 6/15/15 states the hours expended each month as Trustee vary slightly, however, on a general basis the following duties are performed:

Financial Management: Ms. Thomas estimates that the total time expended on financial management is 3 – 4 hours per month.

Vehicle Maintenance: Ms. Thomas estimates that the total time expended on maintenance for the trust owned vehicle is 6 – 8 hours per year.

Shopping Trips: Ms. Thomas estimates that shopping trips with Michael average 8 – 10 hours per month.

Accounting and Record Keeping: In addition to the financial matters above, Ms. Thomas states she spends approximately 4 – 6 hours per year.

Total time spent is approximately 13 hours per month or 156 hours per year. The requested fees for "ordinary services" of \$1,951.69 equates to \$12.51 per hour which is significantly lower than the \$25.00 requested in the itemized services in the petition.

Lauren Herzog Trust**Barron, Richard B. (for Perine & Dicken Professional Fiduciaries and Conservators)****Case No. 09CEPR00542****Petition for Approval of Trustee's Supplemental Current, for Approval of Trustee's Fees and for Authorization to Compensate Counsel for the Trustee and for Final Distribution of Trust Assets**

		PERINE & DICKEN PROFESSIONAL FIDUCIARIES , Co-Trustees Ronald Dicken, Patricia Dicken, and Karen Steele, are Petitioners.	NEEDS/PROBLEMS/ COMMENTS: Note: On 9/16/14, the Court settled the Trustee's Fourth Account covering through 4/30/14, and also authorized termination of the trust, with supplemental account. Order Authorizing Termination of Trust was entered 9/17/14. 1. The Order Settling the Fourth Account entered 9/17/14 authorized attorney fees of \$2,052.00, as requested in the petition. However, the Disbursements Schedule reflects "Court approved attorney fees" of \$6,143.46 paid on 10/27/14, plus \$90.00 paid on 1/15/15 and \$36.00 paid on 4/6/15 (total \$6,269.46). <u>Need clarification.</u> <u>SEE ADDITIONAL PAGE</u>
		Petitioners state: On 9/17/14, the Court allowed Lauren to terminate the trust and the trustee was directed to assign to Lauren future rights in the annuities held by the trust and to retain a reserve of \$5,000.00 for final debts, taxes, and administrative costs and to provide an informal accounting on or before 3/24/15. The Trustee has now paid all remaining bills except for attorney's fees for this report and account and have distributed all assets of the trust save and except for \$3,529.23.	
COnt from 060815		Account period: 5/1/14 through 4/15/15 Accounting: \$450,282.79 Beginning POH: \$419,304.46 Ending POH: \$ 3,529.23	
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail	W	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
✓	2620(c)		
✓	Order	Trustee: \$3,952.21 (.75%, payable monthly) (\$3,360.28 has already been paid at \$329.35 per month. Petitioner requests payment of the balance of \$591.93.) Note: In addition to the trustee fees, broker fees of 1.5% are also paid to Merrill Lynch. Fees for this account period total \$3,633.97. Attorney: \$1,329.00 (for 5.1 attorney hours @ \$250/hr and 0.6 bookkeeper hours @ \$90/hr, itemized at Exhibit B. Note: Time includes 2.5 estimated hours for travel to Fresno, appearance at hearing, and return travel, as well as 0.4 hours estimated time for final charges to distribute residue and close out file.) Bond: Current bond is \$576,000.00. Petitioner requests exoneration upon proof of distribution. Petitioners pray for an Order: 1. Finding that all facts stated in the petition are true and that all notices required by law have been duly given; 2. Settling the Trustee's Supplemental Account and confirming and ratifying all acts and transactions set forth therein; 3. Allowing a fee of \$3,951.21 to the Trustee for services rendered through 4/15/15 and authorizing the Trustee to receive \$591.93 as the balance of their fee not yet paid; 4. Authorizing the Trustee to pay its attorney from trust funds the sum of \$1,329.00 for attorney's fees for services rendered through the hearing of this petition and for filing proofs of distribution and exoneration of the Trustee's bond; 5. For an order discharging the Trustee and exonerating its bond upon filing proof that the sums remaining in the Trust have been distributed to the Beneficiary; and 6. For such other further relief as the court deems just.	
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: skc Reviewed on: 6/25/15 Updates: 6/30/15 Recommendation: File 2 - Herzog

- 2. Attorney fee request includes .6 hours @ \$90/hr for the attorney's bookkeeper. The Court may require authority pursuant to Probate Code §2640(c), which appears to allow legal services for attorney and paralegal only, and Local Rule 7.17.B.4, which disallows clerical services as a cost of doing business.**
- 3. The Court may require clarification regarding the estimated time included in the attorney fees.**
Note: Travel time to and from court is considered a cost of doing business and not reimbursable.
The Court may require some reduction.

Update: Declaration of Richard Barron filed 6/5/15 states the petition to settle the Fourth Account requested \$2,052 for services and costs through 5/31/14. On 7/31/14, Ms. Herzog notified the trustee of her election to terminate the trust. A petition to terminate was filed and with an order shortening time, heard on the same day as the Fourth Account. The order authorized the \$2,052 through 5/31/14, and Judge Oliver also authorized the trustee to retain \$5,000.00 and indicated that only an "informal accounting" was needed showing the deductions from the final reserve. On 9/30/14, the final bill was prepared which included charges from 6/1/14 through 9/30/14, which included research whether the annuities in the trust could be assigned to Ms. Herzog, advising the trustee concerning the procedure for terminating the trust, preparing the petition to terminate the trust, hearings on both petition, came to \$3,228.00, plus \$740.00 in costs to file the petitions and the request for order shortening time. See Exhibit A. When added to the fees authorized by Judge Oliver through 5/31/14, the total fees and costs came to \$6,143.46. This bill inadvertently included a charge of \$123.46 which should have been taken out. He did not seek prior authorization because he believed, based on Judge Oliver's order for an "informal accounting," that there would not be further hearing. In authorizing the trustee to retain \$5,000.00, he also assumed that Judge Oliver's intent was to authorize the trustee to expend up to that amount for final expenses, including attorneys fees, to terminate the trust without further court authorization.

Bookkeeper expenses: For smaller estates, it is the firm's practice to use employee Pamela Anthony to prepare the account rather than an outside accounting office. Ms. Anthony has been trained to follow the format required and has prepared more than 200 accountings for conservatorships and trusts, including in Fresno County. This issues has been previously addressed by this court and Ms. Anthony's charges approved. See Order dated 5/14/15 in re Josephine Diaz Special Needs Trust 11CEPR00138.

Travel: Mr. Barron was not aware that Fresno County does not allow travel charges and he is not aware of any other jurisdiction that has adopted such a rule. Such a rule is unfair and discriminatory to attorneys outside of Fresno who are forced to either absorb costs or decline cases. He considered the possibility of appearing telephonically, but decided to appear in person as there are two hearings being heard on the same day. The beneficiary intended to travel from the Los Angeles area to be present for the hearing to terminate in case Judge Oliver had questions for them, and he felt it would be appropriate to be present in person and respond to any questions Judge Oliver might have.

Update: See also Declaration filed 6/23/15.

Naveah, 6		MARIA GUERRERO , mother, is Petitioner. IRENE ALMERAS , paternal grandmother, was appointed guardian of the minors on 02/07/12. – <i>Consent & Waiver of Notice</i> filed 05/26/15 Father: FELICIANO JIMENEZ – <i>personally served</i> on 06/04/15 Paternal grandfather: APOLINAR JIMENEZ – <i>Consent & Waiver of Notice</i> filed 05/26/15 Maternal grandfather: DECEASED Maternal grandmother: MONICA SIFUENTES – <i>Consent & Waiver of Notice</i> filed 05/26/15 Petitioner requests that the guardianship be terminated [no reason stated]. Court Investigator Jo Ann Morris filed a report on 04/07/15.	NEEDS/PROBLEMS/COMMENTS: <u>CONTINUED FROM 05/27/15</u> Minute Order from 05/27/15 states: For the record, Monica Sifuentes is the maternal grandmother. The matter is continued for service as to the father.
Jahnessa, 5			
Cont. from 041515, 052715			
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg	x	
	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
✓	Pers.Serv.	w/	
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
✓	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: JF Reviewed on: 06/25/15 Updates: 07/01/15 Recommendation: File 3 – Jimenez

Petition for Attorney's Fees and Costs

DOD: 12/19/12		DANIEL T. MCCLOSKEY , attorney for Loretta Ramos, heir, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
		PAT HERNANDEZ , sister, was appointed as successor Administrator with bond set at \$400,000.00 on 03/19/14 due to the death of the previous administrator, Manuel Rojas.	CONTINUED FROM 05/27/15 Minute Order from 05/27/15 states: Mr. McCloskey makes an oral motion to strike the objection based on the untimely filing. The motion is denied, but the Court allows time for a response. The written response is to be filed by Mr. McCloskey no later than 06/10/15.
Cont. from 032415, 042315			
<input type="checkbox"/>	Aff.Sub.Wit.	Petitioner requests fees in connection with his representation of Loretta Ramos who is decedent's niece and intestate heir. Petitioner states that his client was not initially listed as an heir in the Petition for Probate of Manuel Rojas. His representation resulted in the former administrator recognizing Ms. Ramos as an heir as well as several other heirs that were initially left off the Petition for Probate. Further, his representation led to the Administrator's (both former and successor) being required to secure bond and also locating additional assets of the estate valued at approximately \$10,000.00, which benefitted all heirs of the estate.	
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory	Petitioner asks that he be paid from the estate \$2,807.46 in attorney's fees, representing 11.55 hours @ \$250.00/hr., and costs in the amount of \$435.00 for a total request of \$3,042.56.	Reviewed by: JF
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.	Services are itemized by date and include review of correspondence, meetings with client, and court appearance.	Reviewed on: 06/25/15
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail w/	Updates:	Recommendation:
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.	File 4 – Sanchez	
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		

Continued on Page 2

Objection to Petition for Attorneys' Fees and Costs filed 05/26/15 states: Mr. McCloskey is not the appropriate person to be requesting attorney's fees on behalf of his client. As an heir to the estate, Loretta Ramos is responsible for paying her attorney's fees. Mr. McCloskey did nothing to assist in the administration of the estate and if anything, he impeded the administration with his contentious correspondence and attitude toward the former Administrator and his attorney. When the decedent died, she had several living brothers and sisters all of whom were elderly and had health issues. The initial Administrator, Manuel Rojas (decedent's brother), was doing his best to ascertain the heirs and assets of the estate. The decedent was a hoarder and sorting through her assets took a very long time. Mr. Rojas was grieving the loss of his sister and had very little information about the identification and location of family members that had been estranged from the rest of the family for many years. As soon as he ascertained that information, a supplement to the petition was filed. Mr. McCloskey's contention that bond and additional estate assets were procured due to his involvement in the estate is false. Those things happened in the natural course of administering the estate and, if anything, Mr. McCloskey's correspondence was anger-producing for the former Administrator, Manuel Rojas.

The Court can see from the billing statements provided with the Petition that the majority of time spent was not Mr. McCloskey's time, but that of a paralegal and for office conferences with his paralegal/secretary and his client. He did no work in this file for over a year and a half until this Petition was filed. While he did work for the benefit of his client, none of that work was for the benefit of the estate, but was rather an impediment to moving the estate along. The Administrator respectfully requests that the Petition be denied in its entirety.

Reply in Support of Petition for Attorneys' Fees and Costs filed 06/10/15 states: The fees expended by Ramos were reasonable and necessary. Ramos disputes the declarations that the estate did not benefit by the information provided by Ramos' attorney regarding the existence of heirs and the existence of estate assets that were subsequently brought forward (the coin collection). Once Ramos was recognized as an heir, no further fees were incurred other than the cost of filing this Petition for Fees. If Ramos had not come forward, the personal representative would have distributed in contravention to the intestate succession statutes. Ramos and Schomers would not have received their share of the estate. Ramos' intervention with an attorney was reasonable because she was not a "core member" of the family and the personal representative would not talk to her. Ramos had no other alternative. The attorney's time spent was reasonable and Ramos' attorney located the heirs, with addresses and let the administrator know about the coin collection.

Ramos contends that it is not equitable that she should have to expend attorney's fees to be recognized as an heir. She contends that the then personal representative did not like Ramos, but knew of her existence and of Elizabeth Schomers, but did not disclose that and breached his duty to those heirs by fighting to disclose their existence in the petition. The Court should weigh the equities here and grant the petition for fees and costs and direct the Administrator to pay the fees from estate funds, or from the administrator's fees.

Attorney: Heather H. Kruthers (for Petitioner/conservator Public Guardian)

First and Final Account and Report of Conservator; Petition for Allowance of Compensation to Conservator and Her Attorney; and Distribution

DOD: 3/16/15		PUBLIC GUARDIAN, Conservator, is petitioner.	NEEDS/PROBLEMS/COMMENTS:	
		Account period: 6/17/13 – 3/16/15		
		Accounting - \$261,396.51		
		Beginning POH - \$220,365.84		
Cont. from		Ending POH - \$ 53,519.06		
<input type="checkbox"/>	Aff.Sub.Wit.	Subsequent Account period: 3/17/15 – 4/30/15		
<input checked="" type="checkbox"/>	Verified	Accounting - \$56,019.61		
<input type="checkbox"/>	Inventory	Beginning POH - \$53,519.06		
<input type="checkbox"/>	PTC	Ending POH - \$53,519.25		
<input type="checkbox"/>	Not.Cred.	Conservator - \$7,894.56		
<input checked="" type="checkbox"/>	Notice of Hrg	(XXX Deputy hours @ \$96/hr and XXX Staff hours @ \$76/hr)		
<input checked="" type="checkbox"/>	Aff.Mail W/	Attorney - \$2,500.00 (per Local Rule)		
<input type="checkbox"/>	Aff.Pub.	Bond fee - \$50.00 (o.k.)		
<input type="checkbox"/>	Sp.Ntc.	Court fees - \$513.00 (filing fee, certified copies)		
<input type="checkbox"/>	Pers.Serv.	Petitioner states the conservatee died intestate.		
<input type="checkbox"/>	Conf. Screen	Petitioner will administer the estate pursuant to Probate Code §7660, which requires no court supervision if the estate does not exceed \$5,000.00.		
<input type="checkbox"/>	Letters	Petitioner request that due to the insufficiency of the estate to pay the fees and commissions that a lien be imposed upon the estate for any unpaid balances of the authorized fees and commissions.		
<input type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
<input checked="" type="checkbox"/>	Order	Petitioner prays for an Order:		
<input type="checkbox"/>	Aff. Posting	1. Approving, allowing and settling the first and final account;		
<input type="checkbox"/>	Status Rpt	2. Authorizing the conservator and attorney fees and commissions;		
<input type="checkbox"/>	UCCJEA	3. Payment of the bond fee and court fees;		
<input type="checkbox"/>	Citation	4. Authorize petitioner to impose a lien on the estate for any unpaid balances of authorized fees and commissions;		
<input type="checkbox"/>	FTB Notice	5. Distributing the balance of the property on hand to the Public Administrator for administration under Probate Code §7660.		
				Reviewed by: KT
				Reviewed on: 6/26/15
			Updates:	
			Recommendation:	
			File 5 - Williams	

Atty Kruthers, Heather H. (for Public Administrator – Successor Administrator – Petitioner)

Amended First and Final Account and Report of Successor Administrator and petition for Allowance of Ordinary and Extraordinary Commissions and Fees and for Distribution

DOD: 10/8/13	PUBLIC ADMINISTRATOR , Successor Administrator, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: Note: Third Declaration of Gary G. Bagdasarian filed 5/19/15 states he filed a declaration requesting additional credit of \$11,065.76 against the surcharge of Nancy Hamilton, which was acknowledged in this amended account. However, he also filed a Second Declaration on 4/2/15 providing verification of an additional \$4,521.26, which was not taken into account. These two amounts total \$15,587.02. Mr. Bagdasarian also states his request for costs of \$1,002.00 was waived. Mr. Bagdasarian provides proposed distribution taking this information into consideration. Please see declaration for details. 1. Based on Mr. Bagdasarian's declaration, further amendment may be required, or further revised proposed order.
Cont 052015	Account period: 8/20/14-4/2/15 Accounting: \$250,917.40 Beginning POH: \$237,605.63 Ending POH: \$101,927.26 (cash)	
Aff.Sub.Wit.	Preliminary Distributions:	
✓ Verified	David Morris: \$28,000.00	
✓ Inventory	Diane (Wray) Rogers: \$28,000.00	
✓ PTC	Nancy Hamilton: \$20,000.00	
✓ Not.Cred.	IFC: \$15,600.00	
✓ Notice of Hrg	Surcharge (Former Administrator Nancy Hamilton):	
✓ Aff.Mail	\$19,025.15 (based on what the Public Administrator was able to marshal, less receipts provided to attorney)	
Aff.Pub.	Public Administrator (Statutory): \$8,018.35	
Sp.Ntc.	Attorneys (Statutory): \$8,018.35 The attorney for the Public Administrator and Gary Bagdasarian, attorney for the former Administrator, have agreed to split statutory compensation as follows:	
Pers.Serv.	Gary Bagdasarian: \$5,018.35	
Conf. Screen	County Counsel: \$3,000.00	
✓ Letters	Public Administrator (Extraordinary): \$1,248.00	
Duties/Supp	(\$1,000.00 for the sale of the real property, per local rule, plus \$248.00 for preparation of tax returns)	
Objections	County Counsel (Extraordinary): \$1,170.00	
Video Receipt	(for 7.8 attorney hours @ \$150/hr)	
CI Report	Gary Bagdasarian (Extraordinary): \$4,372.50	
✓ 9202	(per declaration, discounted from \$8,745.00, for 31.80 hours @ \$275/hr in connection with the sale of the real property)	
✓ Order	Costs: \$1002.00 (Attorney Bagdasarian, for filing, publication, certified copies, appraisal)	
Aff. Posting	Bond fee: \$156.84	
Status Rpt	Costs: \$537.00 (\$435.00 filing, plus \$102.00 processing)	
UCCJEA	Closing: \$10,000.00 (for any possible outstanding taxes)	
Citation	Distribution pursuant to intestate succession, assignments:	
✓ FTB Notice	David Morris: \$6,888.79 Diane Wray: \$6,888.79 Nancy Hamilton: \$10,263.64 Inheritance Funding Company (Assignee): \$44,800.00	

Reviewed by: skc

Reviewed on: 6/25/15

Updates:

Recommendation:

File 6 - Morris

**Amended Petition Terminating Conservatorship, Discharging Conservators,
 Approving First and Final Account, Distribution of Assets, Waiver of Attorney Fees, Waiver of Conservator Fees
 and Discharge of Bond**

DOD: 05/29/14	JOSEPH PATRICK DE LOS REYES, son/Conservator of the Person and Estate, is Petitioner. Bond of \$30,000.00 was filed 04/07/14.	NEEDS/PROBLEMS/COMMENTS:
		CONTINUED FROM 05/27/15 Minute Order from 05/27/15 states: Mr. Moushigian is making a courtesy appearance for Mina Ramirez. Ms. Ramirez is to file a written response to the issues raised in the Examiner's notes and be personally present or appear via Court Call on 07/01/15.
Cont. from 042915, 052715	Account period: 04/07/14 – 06/30/14	
<input type="checkbox"/> Aff.Sub.Wit.	Accounting: \$206,338.03	
<input checked="" type="checkbox"/> Verified	Beginning POH: \$201,076.17	
<input type="checkbox"/> Inventory	Ending POH: \$199,129.38 (\$9,129.38 is cash)	
<input type="checkbox"/> PTC	Subsequent Account period: 06/01/14 – 06/30/14	
<input type="checkbox"/> Not.Cred.	Accounting: \$199,850.49	
<input checked="" type="checkbox"/> Notice of Hrg	Beginning POH: \$199,129.38	
<input checked="" type="checkbox"/> Aff.Mail w/	Ending POH: \$190,000.00	
<input type="checkbox"/> Aff.Pub.	Conservator: waived	
<input type="checkbox"/> Sp.Ntc.	Attorney: waived	
<input type="checkbox"/> Pers.Serv.	Petitioner requests that the property on hand consisting of real property, a vehicle, various tools, and miscellaneous furniture and furnishings be distributed to the estate of Wilfred Layvas De Los Reyes. A Probate proceeding for the administration of the estate will be filed with this Court upon the approval of this final account.	1. Petitioner states that conservatee's bank closed conservatee's account and paid out the remaining funds to the pay-on-death beneficiaries designated by the conservatee upon the conservatee's death. The Court may require more information about this and/or reimbursement to the conservatorship estate of amounts distributed without court order.
<input type="checkbox"/> Conf. Screen		2. Petitioner requests authority to sell the real property asset of the conservatorship estate, which is currently in foreclosure. The Conservatee died on 05/29/14, consequently, the Conservatorship terminated by operation of law on 05/29/14. The Court retains jurisdiction for the purpose of settling the final account of conservator pursuant to Probate Code § 2630. However, since the conservatorship has terminated due to conservatee's death, it appears that the sale of real property should occur in a subsequent probate proceeding after the final account of Conservator has settled and assets distributed to the Administrator of the Estate. The Court may require authority for selling a real property asset of a conservator after the death of a conservatee.
<input type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report	Petitioner prays for an Order that:	Note: It does not appear that a probate proceeding for conservatee's estate has been commenced in Fresno County.
<input checked="" type="checkbox"/> 2620(c)	1. The conservatorship of the Person and Estate terminated by operation of law on 05/29/14, conservatee's date of death;	Reviewed by: JF
<input checked="" type="checkbox"/> Order	2. The Conservator and surety bond be discharged;	Reviewed on: 06/25/15
	3. The Amended First and Final Account of Conservator be approved;	Updates:
<input type="checkbox"/> Aff. Posting	4. The assets on hand be distributed to the Estate of Wilfred Layvas De Los Reyes;	Recommendation:
<input type="checkbox"/> Status Rpt	5. And for other such relief as the Court deems proper and just.	File 7 – De Los Reyes
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		

Continued on Page 2

Declaration of Joseph Patrick De Los Reyes Regarding Attorney Fees and Closure of Conservatee's Bank Account filed 05/20/15 states:

- 1) He paid, from conservatee's funds, a total of \$956.38 to the Law Office of Mina L. Ramirez and agrees to reimburse the conservatorship estate this amount.
- 2) When Merced School Employees Federal Credit Union was notified of conservatee's death, the credit union automatically closed his bank account and issued checks to the named beneficiaries, as "pay-on-death" payees. Petitioner and his sister were the named beneficiaries.
- 3) Presently, the estate's real property is in foreclosure and is scheduled for a public sale in July 2015. The property appraised for \$175,000.00. There is approximately \$167,000.00 owed on the first mortgage, and \$17,000.00 on the line of equity that the conservatee owes. Petitioner seeks the court's authority to sell the house for either the appraised value or as a short sale.

**First and Final Report of Administrator with Will Annexed on Waiver of Account and
Petition for Allowance of Statutory and Extraordinary Attorney's Fees and Statutory and
Extraordinary Administrator's Fees and for Final Distribution**

DOD: 7/16/14		<p>VICKI LYNN JONES, Administrator with Will Annexed (Successor) with Limited IAEA with bond of \$160,000.00 and blocked account, is Petitioner.</p> <p>Accounting is waived</p> <p>I&A: \$309,034.12 POH: \$227,256.05 (\$117,871.80 blocked)</p> <p>Administrator (Statutory): \$8,885.12 (\$5,923.41 to Vicki Lynn Jones and \$2,961.71 to Robert Wyatt Zalenski as successor to former Executor Michelle Ann Carmody, per agreement)</p> <p>Administrator (Extraordinary): \$1,000.00 (for sale of residence, per Local Rule)</p> <p>Attorney (Statutory): \$8,885.12</p> <p>Attorney (Extraordinary): \$1,000.00 (for sale of residence, per Local Rule)</p> <p>Costs: \$2,543.53 (filing fees, publication, certified letters, appraisal)</p> <p>Closing: \$2,750.02</p> <p>Distribution pursuant to Decedent's will, Declaration of Robert Wyatt Zalenski under Probate Code §13100 filed 6/2/15, and Natalee Garland's Assignment #2 filed 5/22/15:</p> <p>Vicki Lynn Jones: \$68,575.91 Natalee Garland: \$15,287.96 Keenan Joseph Gregori: \$34,287.96 Robert Wyatt Zalenski: \$65,040.43 Inheritance Funding Company, Inc.: \$19,000.00</p>	NEEDS/PROBLEMS/COMMENTS:	
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
<input checked="" type="checkbox"/>	Inventory			
<input checked="" type="checkbox"/>	PTC			
<input checked="" type="checkbox"/>	Not.Cred.			
<input checked="" type="checkbox"/>	Notice of Hrg			
<input checked="" type="checkbox"/>	Aff.Mail			w
<input type="checkbox"/>	Aff.Pub.			
<input type="checkbox"/>	Sp.Ntc.			
<input type="checkbox"/>	Pers.Serv.			
<input type="checkbox"/>	Conf. Screen			
<input checked="" type="checkbox"/>	Letters			
<input type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input type="checkbox"/>	CI Report			
<input checked="" type="checkbox"/>	9202			
<input checked="" type="checkbox"/>	Order			
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input checked="" type="checkbox"/>	FTB Notice			

Reviewed by: skc
Reviewed on: 6/25/15
Updates:
Recommendation:
File 8 – Carmody

		ALVIN MOULTRIE , Father, was appointed Guardian of the Estate without bond on 3/24/15.	NEEDS/PROBLEMS/COMMENTS: Continued from 5/6/15, 5/27/15
		The Court ordered \$29,750.00 to be placed into a blocked account and set this status hearing for the filing of the receipt for blocked account.	1. Need Receipt and Acknowledgment of Order for the Deposit of Money into Blocked Account (MC-356). 2. Need Court filing fee \$435.00.
Cont from 050615, 052715		The Court also ordered that \$435.00 be withdrawn from the blocked account for payment of the Court filing fee.	
Aff.Sub.Wit.			
Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg			
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			Reviewed by: skc
Status Rpt			Reviewed on: 6/25/15
UCCJEA			Updates:
Citation			Recommendation:
FTB Notice			File 9 - Moultrie

		ALVIN MOULTRIE , Father, was appointed Guardian of the Estate without bond on 3/24/15.	NEEDS/PROBLEMS/COMMENTS:
		The Court ordered \$29,750.00 to be placed into a blocked account and set this status hearing for the filing of the receipt for blocked account.	Continued from 5/6/15, 5/27/15
Cont from 050615, 052715		The Court also ordered that \$435.00 be withdrawn from the blocked account for payment of the Court filing fee.	3. Need Receipt and Acknowledgment of Order for the Deposit of Money into Blocked Account (MC-356). 4. Need Court filing fee \$435.00.
<input type="checkbox"/>	Aff.Sub.Wit.		
<input type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input type="checkbox"/>	Notice of Hrg		
<input type="checkbox"/>	Aff.Mail		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
			Reviewed by: skc
			Reviewed on: 6/25/15
			Updates:
			Recommendation:
			File 10 - Moultrie

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

Age: 15		<u>TEMPORARY EXPIRES 05/27/15</u>		NEEDS/PROBLEMS/COMMENTS:	
		GLORIA DUNN , maternal grandmother, is Petitioner.		<u>CONTINUED FROM 04/15/15</u>	
		Father: MICHAEL VASQUEZ – served by mail on 01/05/15 with Notice of Hearing only; Declaration of Due Diligence filed 05/11/15 and 06/09/15		1. Need proof of service at least 15 days before the hearing of Notice of Hearing with a copy of the Petition for Appointment of Guardian of the Person or Consent & Waiver of Notice or Declaration of Due Diligence for:	
Cont. from 022515, 041515, 052715		Mother: KOGIAH ETHRIDGE – Consent & Waiver of Notice filed 12/22/14		a. Michael Vasquez (father) – proof of service filed 01/07/15 indicates that Mr. Vasquez was served by mail with a copy of the Notice of Hearing only. Need proof of personal service with a copy of the Petition. <u>Declaration of Due Diligence filed 06/09/15 states that last contact with Mr. Vasquez was by phone outside the court room on 04/15/15 when he stated he was going to get a DNA test; subsequent attempts to contact him have been unsuccessful. He does not answer the phone.</u>	
<input type="checkbox"/>	Aff.Sub.Wit.	<input type="checkbox"/>			
<input checked="" type="checkbox"/>	Verified	<input type="checkbox"/>			
<input type="checkbox"/>	Inventory	<input type="checkbox"/>			
<input type="checkbox"/>	PTC	<input type="checkbox"/>			
<input type="checkbox"/>	Not.Cred.	<input type="checkbox"/>			
<input checked="" type="checkbox"/>	Notice of Hrg	<input type="checkbox"/>			
<input checked="" type="checkbox"/>	Aff.Mail	<input type="checkbox"/>	w/		
<input type="checkbox"/>	Aff.Pub.	<input type="checkbox"/>			
<input type="checkbox"/>	Sp.Ntc.	<input type="checkbox"/>			
<input type="checkbox"/>	Pers.Serv.	<input type="checkbox"/>			
<input checked="" type="checkbox"/>	Conf. Screen	<input type="checkbox"/>			
<input checked="" type="checkbox"/>	Letters	<input type="checkbox"/>			
<input checked="" type="checkbox"/>	Duties/Supp	<input type="checkbox"/>			
<input type="checkbox"/>	Objections	<input type="checkbox"/>			
<input type="checkbox"/>	Video Receipt	<input type="checkbox"/>			
<input checked="" type="checkbox"/>	CI Report	<input type="checkbox"/>			
<input type="checkbox"/>	9202	<input type="checkbox"/>			
<input checked="" type="checkbox"/>	Order	<input type="checkbox"/>			
<input type="checkbox"/>	Aff. Posting	<input type="checkbox"/>			
<input type="checkbox"/>	Status Rpt	<input type="checkbox"/>			
<input checked="" type="checkbox"/>	UCCJEA	<input type="checkbox"/>			
<input type="checkbox"/>	Citation	<input type="checkbox"/>			
<input type="checkbox"/>	FTB Notice	<input type="checkbox"/>			
		Paternal grandfather: GREG BRADLEY – served by mail on 06/07/15			
		Paternal grandmother: LUPE COLLINS – served by mail on 06/07/15			
		Maternal grandfather: JOSEPH ETHRIDGE, JR. – deceased			
		Siblings: MIKE ETHRIDGE, NYASTA THOMAS – both served by mail on 06/07/15			
		Petitioner states [see Petition for details].			
		Court Investigator Charlotte Bien filed a report on 02/06/15.			
				Reviewed by: JF	
				Reviewed on: 06/26/15	
				Updates:	
				Recommendation:	
				File 11 - Ethridge	

Attorney Mele, James J. (for Petitioner Linda Smialowski, Executor)

**First and Final Report and Petition for Final Distribution on Waiver of Account
and for Allowance of Compensation for Ordinary Services for Petitioner and
Petitioner's Attorney**

DOD:12/8/2014	LINDA SMIALOWSKI , sister and Executor, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
	Accounting is waived.	
Cont. from	I & A — \$348,163.05	
Aff.Sub.Wit.	POH — \$261,830.98 (\$261,830.98 is cash)	
✓ Verified		
✓ Inventory	Executor — waives	
✓ PTC	Attorney — \$9,723.26 (statutory; to be paid outside probate)	
✓ Not.Cred.		
✓ Notice of Hrg		
✓ Aff.Mail	Distribution pursuant to Decedent's Will is to:	
Aff.Pub.	• LINDA SMIALOWSKI – \$261,330.98 cash,	
Sp.Ntc.	mutual fund, and vehicle.	
Pers.Serv.		
Conf. Screen		
Letters 021815		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
✓ 9202		
✓ Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
✓ FTB Notice		
		Reviewed by: LEG
		Reviewed on: 6/26/15
		Updates: 6/30/15
		Recommendation: SUBMITTED
		File 12 - Fouty

13 Nathan Finney, Breanna Finney and Rikki Finney (GUARD/P)
Case No. 15CEPR00122

Atty Stone, Tennison Anita (Pro Per – Step-Mother – Petitioner)
Atty Finney, Breanna Marie (Pro Per – Minor – Petitioner)

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

See petition, objection for details.			NEEDS/PROBLEMS/ COMMENTS:
			<u>Continued from 4/8/15, 5/20/15.</u>
Cont. from 040815, 052015			
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg	X	
✓	Aff.Mail	W	
	Aff.Pub.		
	Sp.Ntc.		
✓	Pers.Serv.	W	
✓	Conf. Screen		
✓	Letters		
✓	Duties/Supp		
✓	Objections		
	Video Receipt		
✓	CI Report		
✓	Clearances		
✓	Order		
	Aff. Posting		
	Status Rpt		
✓	UCCJEA		
	Citation		
	FTB Notice		
			1. Mailed service to the minor Nathan is insufficient. Need personal service of pursuant to Probate Code §1511 on Nathan Finney (Minor, age 16).
			Reviewed by: skc
			Reviewed on: 6/25/15
			Updates:
			Recommendation:
			File 13 – Finney

Attorney: Mark S. Poochigian, for Petitioner Nancy Valdez Mendez

(1) Petition for Orders Invalidating Power of Attorney, (2) Rescinding Purported Grant Deed, (3) Ordering Conveyance of Property, (4) Imposing Damages Under Probate Code Section 859, (5) Finding Respondent Liable for Elder Abuse, (6) Imposing Constructive Trust, and (7) Determining Entitlement to Property Under Probate Code Section 259

DOD: 10/7/2013		<p>NANCY VALDEZ MENDEZ, daughter, is Petitioner.</p> <p>Petitioner states:</p> <ul style="list-style-type: none"> On or before 8/12/2009, Decedent was diagnosed by Alex Sherriffs, M.D. with severe dementia with or of the Alzheimer's type, indicating at that time the Decedent's memory problems represented a significant threat to her safety and noting that she suffered from severe cognitive impairment overall which compromised her ability to make good judgments; On 7/19/2010, Decedent purportedly executed a General Power of Attorney and Nomination of Conservator (copy attached as Exhibit A); at the time the purported Power of Attorney was allegedly executed, the Decedent was totally impaired and lacked the requisite mental capacity to execute a power of attorney; Petitioner contends the purported Power of Attorney is invalid <i>ab initio</i>; The purported Power of Attorney appointed JOEL VALDEZ as Decedent's attorney-in-fact and provided that in the event of his inability to serve, then EDNA T. VALDEZ shall serve as attorney-in-fact; Joel Valdez died 2/13/2011; On 3/28/2012, EDNA T. VALDEZ-GILMORE purportedly as attorney-in-fact for Decedent purportedly executed a purported Grant Deed granting to herself real property on Turner Ave. in Fresno (copy of Grant Deed attached as Exhibit B); Petitioner requests this Court rescind and nullify the purported Grant Deed; <p align="center">~Additional pages omitted~</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p align="center">OFF CALENDAR</p> <p align="center"><i>Request for Dismissal entered as requested 6/30/2015.</i></p> <p><u>Continued from 5/20/2015.</u> Minute Order states counsel advises they are in settlement discussions.</p> <p><u>Note:</u> Pursuant to Probate Code § 4152(a)(4), the authority of EDNA T. VALDEZ-GILMORE, attorney-in-fact under the purported power of attorney, terminated on the death of the principal.</p> <p><u>Note:</u> Petitioner NANCY VALDEZ MENDEZ was appointed Administrator with full IAEA with bond of \$160,000.00 (posted 5/5/2015); Letters issued 5/5/2015.</p>	
Cont. from 042215, 052015				
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail			W/
	Aff.Pub.			
	Sp.Ntc.			
✓	Pers.Serv.			W/
	Conf. Screen			
	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
	Order			X
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			

Petitioner: Francisco Ortega (Pro Per Petitioner, paternal grandfather)

Petitioner: Minerva Gantes (Pro Per Petitioner, paternal grandmother)

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

NO TEMPORARY REQUESTED			NEEDS/PROBLEMS/COMMENTS:
FRANCISCO ORTEGA and MINERVA GANTES, paternal grandparents, are Petitioners.			<u>Continued from 5/20/2015.</u> <i>Minute Order</i> states parties are assisted in the Spanish language by Court Interpreter Crystal Avila. Examiner notes provided in open court. [Note: All issues have been addressed.]
~Please see Petition for details~			
Court Investigator's Report was filed on 5/12/2015.			
Department of Social Services Social Worker's Report was filed on 5/13/2015.			
Cont. from			
Aff.Sub.Wit.			
✓ Verified			
Inventory			
PTC			
Not.Cred.			
✓ Notice of Hrg			
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
✓ Pers.Serv.	W/		
✓ Conf. Screen			
✓ Letters			
✓ Duties/Supp			
Objections			
Video Receipt			
✓ CI Report			
✓ Clearances			
✓ Order			
Aff. Posting			
Status Rpt			
✓ UCCJEA			
Citation			
FTB Notice			
Reviewed by: LEG			
Reviewed on: 6/25/15			
Updates:			
Recommendation:			
File 15 - Ortega			

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

See petition for details.			NEEDS/PROBLEMS/ COMMENTS:
			Continued from 5/20/15. As of 6/25/15, nothing further has been filed by Petitioner. The following issues remain:
			1. Need Notice of Hearing.
			2. Need proof of <u>personal</u> service of Notice of Hearing with a copy of the petition at least 15 days prior to the hearing pursuant to Probate Code §1511 <u>or</u> consent and waiver of notice <u>or</u> declaration of due diligence on: - Skyler Yoakum (Father) - Laraina Alcantar (Mother)
			3. Need proof of service of Notice of Hearing with a copy of the petition at least 15 days prior to the hearing pursuant to Probate Code §1511 <u>or</u> consent and waiver of notice <u>or</u> declaration of due diligence on: - Kristy Jones (Maternal Grandmother) - Maternal Grandfather - Paternal Grandfather - Paternal Grandmother
			Reviewed by: skc
			Reviewed on: 6/25/15
			Updates:
			Recommendation:
			File 16 - Yoakum

Cont. from 052015		
	Aff.Sub.Wit.	
✓	Verified	
	Inventory	
	PTC	
	Not.Cred.	
✓	Notice of Hrg	
✓	Aff.Mail	W
	Aff.Pub.	
	Sp.Ntc.	
✓	Pers.Serv.	
✓	Conf. Screen	
✓	Letters	
✓	Duties/Supp	
	Objections	
	Video Receipt	
✓	CI Report	
✓	Clearances	
✓	Order	
	Aff. Posting	
	Status Rpt	
✓	UCCJEA	
	Citation	
	FTB Notice	

**17 Eric Edward Rodriguez-Perez, Arelid Gamez & Alexander Gamez, Jr.
(GUARD/P) Case No. 15CEPR00291**

Petitioner: Jose Ricardo Rodriguez, JR (pro per)

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

		TEMPORARY EXPIRES 7/1/15.	NEEDS/PROBLEMS/COMMENTS:
		JOSE RICARDO RODRIGUEZ, Jr., maternal uncle, is petitioner.	<p>1. Need proof of personal service of the Notice of Hearing along with a copy of the Petition or Consent and Waiver of Notice on:</p> <ul style="list-style-type: none"> a. Edward Perez (Eric's father) – unless the court dispenses with notice. b. Alexander Gamez (Arelid & Alexander's father) – unless the court dispenses with notice. <p>2. Need proof of service of the Notice of Hearing along with a copy of the Petition or Consent and Waiver of Notice or Declaration of Due Diligence on:</p> <ul style="list-style-type: none"> a. Eric's paternal grandparents – Declaration of Due Diligence filed for Eric's paternal grandparents. b. Arelid and Alexander's paternal grandparents. <p>Note: There is a proof of service filed for Alexander Gamez Mendoza, Dora Miriam Mendoza and Jose A. Gamez however it is unclear what their relationship to the minors is.</p> <p>3. Petition does not list the names and addresses of all paternal grandparents and the maternal grandfather.</p>
		Please see petition for details.	
Cont. from 052015		Court Investigator Report filed on 5/12/15.	
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input type="checkbox"/>	Notice of Hrg	X	
<input type="checkbox"/>	Aff.Mail	X	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.	X	
<input checked="" type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters		
<input checked="" type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input checked="" type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input checked="" type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
			Reviewed by: KT
			Reviewed on: 6/25/15
			Updates:
			Recommendation:
			File 17 - Rodriguez & Gamez

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

Age: 7		<p align="center"><u>NO TEMPORARY REQUESTED</u></p> <p>TINA UPSTILL, paternal grandmother, is petitioner.</p> <p align="center"><u>Please see petition for details</u></p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need proof of service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for:</p> <ul style="list-style-type: none"> • Scott Leatherberry (Paternal Grandfather) – Unless the Court dispenses with notice. <p>Note: Declaration of Due Diligence filed 06/24/2015 states petitioner does not have any information regarding family or friends.</p> <ul style="list-style-type: none"> • Shelly Booth (Maternal Grandmother) – Unless the Court dispenses with notice. <p>Note: Declaration of Due Diligence filed 06/24/2015 states petitioner does not have any information regarding family or friends.</p>
Cont. from 052715			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail w/		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv. x		
<input checked="" type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters		
<input checked="" type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input checked="" type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input checked="" type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
		<p>Reviewed by: LV</p> <p>Reviewed on: 06/26/2015</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 18 - Ray</p>	

19 Brayden Kane Hallman (GUARD/P)**Case No. 15CEPR00314**

Petitioner Hallman, Donna Louise (Pro Per – Paternal Grandmother)

Petitioner Hallman, Frank Marlon (Pro Per – Paternal Grandfather)

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

Age: 6	<u>NO TEMPORARY REQUESTED</u>	NEEDS/PROBLEMS/COMMENTS:
	DONNA LOUISE HALLMAN, and FRANK MARLON HALLMAN, paternal grandparents, are petitioners.	1. Page #5 of the Guardianship Petition – Child Information Attachment (GC 210(CA)) which pertains to whether the child has Native American Ancestry was not completed. Need declaration with page #5 attached.
Cont. from 070115	<u>Please see petition for details</u>	
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified		
<input type="checkbox"/> Inventory		
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg		
<input checked="" type="checkbox"/> Aff.Mail	w/	
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input checked="" type="checkbox"/> Pers.Serv.	w/	
<input type="checkbox"/> Conf. Screen		
<input checked="" type="checkbox"/> Letters		
<input checked="" type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input checked="" type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input checked="" type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		Reviewed by: LV
		Reviewed on: 06/29/2015
		Updates:
		Recommendation:
		File 19 - Hallman

21

Anaveah Ott (GUARD/P)

Case No. 15CEPR00458

Petitioner

Sabrina Christina Gray (Pro Per – Maternal Grandmother – Petitioner)

Attorney

Hopper, Cindy J. (for Savannah R. Ott – Mother – Objector)

Petition for Appointment of Temporary Guardian of the Person (Prob. Code §2250)

See petition, objection for details.			NEEDS/PROBLEMS/COMMENTS: 1. If diligence is not found, need personal service of Notice of Hearing with a copy of the petition on the father, Vincent Garza, and service on the paternal grandparents at least 15 days prior to the hearing pursuant to Probate Code §1511.
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail	W	
	Aff.Pub.		
	Sp.Ntc.		
✓	Pers.Serv.	W	
✓	Conf. Screen		
✓	Letters		
✓	Duties/Supp		
✓	Objections		
	Video Receipt		
✓	CI Report		
✓	Clearances		
✓	Order		
	Aff. Posting		
	Status Rpt		
✓	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: skc
			Reviewed on: 6/26/15
			Updates: 6/30/15
			Recommendation:
			File 21 - Ott

21

Violet, age 14 Jade, age 3 Cont. from <input type="checkbox"/> Aff.Sub.Wit. <input checked="" type="checkbox"/> Verified <input type="checkbox"/> Inventory <input type="checkbox"/> PTC <input type="checkbox"/> Not.Cred. <input checked="" type="checkbox"/> Notice of Hrg <input checked="" type="checkbox"/> Aff.Mail w/ <input type="checkbox"/> Aff.Pub. <input type="checkbox"/> Sp.Ntc. <input checked="" type="checkbox"/> Pers.Serv. w/ <input checked="" type="checkbox"/> Conf. Screen <input checked="" type="checkbox"/> Letters <input checked="" type="checkbox"/> Duties/Supp <input type="checkbox"/> Objections <input type="checkbox"/> Video Receipt <input checked="" type="checkbox"/> CI Report <input type="checkbox"/> 9202 <input checked="" type="checkbox"/> Order <input type="checkbox"/> Aff. Posting <input type="checkbox"/> Status Rpt <input checked="" type="checkbox"/> UCCJEA <input type="checkbox"/> Citation <input type="checkbox"/> FTB Notice		TEMPORARY EXPIRES 07/01/2015 MARY ANN ALEXANDER , Maternal Grandmother, is Petitioner. <u>Please see petition for details</u>	NEEDS/PROBLEMS/COMMENTS: 1. Need proof of personal service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for: <ul style="list-style-type: none"> Father of Violet (Unknown) – Unless the Court dispenses with notice. Jamie Ann Douglas (Mother) Violet Douglas (Minor) 2. Need proof of service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for: <ul style="list-style-type: none"> Paternal Grandparents of Violet Steve Alexander (Maternal Grandfather) Reviewed by: LV Reviewed on: 06/29/2015 Updates: Recommendation: File 22 – Douglas & Vasquez
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Attorney Harris, Richard A. (for Petitioner Lynn Tsuru Oelsner)

Petition for Order Confirming Trust Assets

James DOD: 3/27/2015		LYNN TSURU OELSNER, spouse and surviving Trustee, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:					
		Petitioner states:						
Cont. from		<ul style="list-style-type: none"> Petitioner has acted as sole Trustee of the JAMES EDWARD OELSNER AND LYNN TSURU OELSNER LIVING TRUST dated 9/28/2010 since the death of Decedent (<i>copy of trust attached as Exhibit A</i>); Decedent's Will distributes his entire estate to the Trust (<i>copy of will attached as Exhibit B</i>); Petitioner believes the trust declaration under which she has been acting as Trustee is valid; Petitioner believes that Decedent intended for all of his interest in any property, whether separate or community, be subject to the Trust; Petitioner believes such intent is evidenced by listing such assets on a schedule of Trust assets, as well as by execution of an assignment clause contained in the Trust [<i>text of assignment clause omitted; see page 3-1 of Exhibit A</i>]; Schedule A of the Trust (<i>copy on second to last page of Exhibit A</i>) lists a 24% interest in Padj Oelsner Properties, a Nevada Limited Liability Company; and also lists personal property, such as miscellaneous personal property including tools and furniture, and a 20% interest in the Oelsner Children Trust; Decedent also had an interest in two other entities not listed on <i>Schedule A</i> of the Trust: Oelsner Commercial Properties, LP, and Oelsner Properties, LP; 						
	Aff.Sub.Wit.							
✓	Verified							
	Inventory							
	PTC							
	Not.Cred.							
✓	Notice of Hrg							
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	Conf. Screen							
	Letters							
	Duties/Supp							
	Objections							
	Video Receipt							
	CI Report							
	9202							
✓	Order							
	Aff. Posting							
	Status Rpt							
	UCCJEA							
	Citation							
	FTB Notice							
~Please see additional page~			<table border="1"> <tr> <td>Reviewed by: LEG</td> </tr> <tr> <td>Reviewed on: 6/26/15</td> </tr> <tr> <td>Updates: 6/30/15</td> </tr> <tr> <td>Recommendation:</td> </tr> <tr> <td>File 23 - Oelsner</td> </tr> </table>	Reviewed by: LEG	Reviewed on: 6/26/15	Updates: 6/30/15	Recommendation:	File 23 - Oelsner
Reviewed by: LEG								
Reviewed on: 6/26/15								
Updates: 6/30/15								
Recommendation:								
File 23 - Oelsner								

Petitioner states, continued:

- Petitioner requests that this Court confirm that Decedent's interest in those entities *[which are not listed on Schedule A]* are assets subject to her control as Trustee pursuant to the assignment of Article Three, Section 1 *[quoted in paragraph 5 of Petition but omitted from notes]*;
- The assignment language of the Trust coupled with the extrinsic evidence shows the Decedent's intent that the interests in question be determined to be assets of the Trust and under the management and control of the Trustee;
- *Exhibit C* is a Schedule of Assets and Debts dated and signed by the Decedent on 4/28/2014, which schedule confirms that Decedent's **24%** interest in Padj Oelsner Properties; it also confirms the Decedent held a **24%** interest in Oelsner Commercial Properties; and a **20%** interest in Oelsner Properties LP;
- A Schedule K-1 for the 2012 tax year for each business entity is attached as Exhibit D; those schedules also confirm the Decedent held a 24% interest in Padj Oelsner Properties; a **24%** interest in Oelsner Commercial Properties; and a 20% interest in Oelsner Properties LP;
- Petitioner believes that the Decedent's interest in the entities did not change prior to his death.

Points and Authorities in Support of Petition for Order Confirming Trust Assets filed 5/19/2015.

Petitioner prays for an Order that the following assets are subject to the Trust, held by Trustee on behalf of the Trust and are under the management and control of Petitioner as Trustee:

- Decedent's **24%** interest in Padj Oelsner Properties;
- Decedent's interest in miscellaneous personal property including tools, appliances, furniture, furnishings, clothing, and sporting equipment;
- Decedent's **24%** interest in Oelsner Commercial Properties; and
- Decedent's **20%** interest in Oelsner Properties LP.

Petitioner Brandon, Craig Joseph (Pro Per Petitioner)

Petition for Probate of Will and for Letters Testamentary with IAEA

DOD: 4/1/2015		CRAIG JOSEPH BRANDON , son and named Executor without bond, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
			<p><u>Note:</u> If <i>Petition</i> is granted, Court will set Status Hearings as follows:</p> <ul style="list-style-type: none"> • Tuesday, December 1, 2015 at 9:00 a.m. in Dept. 303 for the filing of final inventory and appraisal; and • Thursday, September 1, 2016 at 9:00 a.m. in Dept. 303 for the filing of first account and/or petition for final distribution. <p>Pursuant Local Rule 7.5, if the documents noted above are filed 10 days prior to the dates listed, the hearings will be taken off calendar and no appearance will be required.</p>
Cont. from		Full IAEA: OK	
<input type="checkbox"/>	Aff.Sub.Wit.	S/P	
<input checked="" type="checkbox"/>	Verified		
	Inventory		
	PTC		
	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail	W/	
<input checked="" type="checkbox"/>	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
		Will Dated: 7/19/1984	
		Residence: Fresno	
		Publication: Business Journal	
		Estimated value of the Estate:	
		Real property - \$135,000.00	
		Personal property - \$ 25,000.00	
		Total - \$160,000.00	
<input checked="" type="checkbox"/>	Letters		
<input checked="" type="checkbox"/>	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
<input checked="" type="checkbox"/>	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
		Probate Referee: Rick Smith	
			Reviewed by: LEG
			Reviewed on: 6/26/15
			Updates:
			Recommendation:
			File 24 - Brandon

**Petition to Account and Report of Trustee and Petition for Its Settlement;
and Request for Surcharge of Trustee**

		SUSAN F. PATTEN , beneficiary, is petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Petitioner states the AMOS DER TOROSIAN TRUST was executed by Amos Der Torosian on 9/8/1999.	<p>1. Need Order. Local Rule 7.1 states a proposed Order shall be submitted with all pleadings that request relief. If the proposed order is not received in the Probate Filing Clerk's Office ten (10) days before the scheduled hearing, a continuance may be required.</p> <p>2. There is no record that the Decedent's Will has been deposited with the court as required by Probate Code §8200.</p>
Cont. from		Amos Der Torosian died on 4/8/09.	
<input type="checkbox"/>	Aff.Sub.Wit.		
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<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input type="checkbox"/>	Order	X	
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
		The current acting Trustee is DAVID DER TOROSIAN .	
		Petitioner alleges that Trustee, David Der Torosian has never provided Petitioner with an account.	
		Petitioner requests the Court remove David Der Torosian as Trustee pursuant to its authority under Probate Code §15642 because the Trustee is substantially unable and unfit to administer the Trust and has failed to act in a manner consistent with proper execution of the duties of the office of trustee. Additionally, the Trustee committed breaches of the trust by (1) breaching his duty to reasonably inform beneficiaries or to account; (2) attempting a "self-dealing" transfer of property in breach of his fiduciary duty to beneficiaries, and (3) by allowing a conflict of interest to result in severe waste of trust property.	
		The Trustee is substantially unable and unfit to administer the Trust or execute the duties of the office of trustee because he is currently a defendant in a criminal matter where he is facing a substantial prison sentence.	
		Please see additional page.	
			Reviewed by: KT
			Reviewed on: 6/29/15
			Updates:
			Recommendation:
			File 25 – Der Torosian

Furthermore, the Trustee has failed to perform any of the duties, tasks, or responsibilities required of a trustee under the Probate Code since becoming trustee approximately six years ago.

By way of example, the Trust directs the distribution of the real property located at 4340 E. Alamos in Fresno to Petitioner upon Decedent's death. This distribution has yet to be accomplished, and Decedent's third child, MICHAEL DER TOROSIAN, has and continues to occupy the property to the exclusion of Petitioner, who is also unaware of any arrangement wherein MICHAEL DER TOROSIAN is paying rent, fair market or otherwise, for said occupancy.

Lastly, since Decedent's death, Trustee has continually occupied Decedent's property located at 127 S. Villa in Fresno. This property is currently held by Decedent's estate, and Trustee has failed to petition this Court for the confirmation of title to the property in the Trust pursuant to Decedent's pourover will. This ongoing failure to marshal trust property, coupled with Trustee's failure to pay any rent for his occupancy of the property has resulted in severe waste of the property as a valuable trust asset and extreme prejudice to Petitioner as beneficiary of the Trust.

Further complicating the administration of Decedent's trust, and demonstrating the Trustee's clear preference to advance his own interests over the beneficiaries, is the fact that the Trustee, in his supposed dual capacity as "administrator" of the Decedent's estate, attempted to transfer the 127 S. Villa property to himself via a grant deed recorded 1/30/15. The Trustee never opened a formal probate for the Decedent's estate, and thus was never officially appointed administrator by a court with proper jurisdiction.

Article Five Paragraph (D) of the trust instrument appoints Petitioner as the First Successor Trustee. Petitioner request that the Court appoint her as Trustee of the Trust without bond.

Petitioner believes that her appointment as Trustee is in the best interest of the Trust and of those persons interested in the trust estate because she is the only party appointed as successor trustee that is currently capable and willing to assume the office of Trustee and properly discharge the duties thereof.

Petitioner requests the Court order David Der Torosian to file and accounting with the Court detailing his acts as Trustee, and direct the accounting be filed no less than four weeks after the court makes its order.

Petitioner states that at the time of the execution of the Trust, Amos Der Torosian transferred to the Trust all real property and personal property owned by him, except that the real property located at 127 S. Villa in Fresno, which was purchased subsequent to the creation of the Trust.

Concurrently, with the execution of the Trust, Decedent executed a "pourover will" also dated 9/8/1999. Article THIRD Paragraphs A through C of said will directs the distribution of several items of Decedent's personal property to his three children. Paragraph D of the same article contains a pourover provision, directing the distribution of the estate residue to the Trust.

Please see additional page

Petitioner requests that this Court confirm that the real property located at 127 S. Villa in Fresno is an asset subject to the Trust, under the control of Petitioner as successor Trustee of the Trust.

Due to the Trustee's actions regarding the subject property, Petitioner also request that this Court order the "wild deed" recorded by the Trustee in the Fresno County Recorder's Office on 1/30/15 – purporting but failing to transfer title to the subject property to the Trustee in his individual capacity – rescind in order to restore proper chain of title.

Petitioner believes that compensation in the amount of \$2,413.50 is reasonable for attorney fees for this petition and that this amount should be charged as an expense of the trust and paid directly to the attorneys.

Wherefore, Petitioner prays for an Order of this Court that:

1. David Der Torosian be instructed to prepare and file with this court an accounting of the Amos Der Torosian Trust since April 8, 2009, detailing his acts as Trustee, no later than four weeks after the Court makes its order.
2. David Der Torosian be instructed to petition this court for the settlement of the account and give notice of the hearing on the petition.
3. David Der Torosian be removed as Trustee of the Amos Der Torosian Trust and Susan Patten be appointed Successor Trustee to serve without bond. The Trustee shall deliver the Trust assets to the Successor Trustee within 30 days after the issuance of the Order.
4. The wild deed recorded by the current Trustee in the Fresno County Recorder's Office on 1/30/15 – purporting but failing to transfer title to the subject property to the current Trustee in his individual capacity – be rescinded in order to restore proper chain of title for the property.
5. The real property whose legal description is attached herein as Exhibit E is an asset subject to the management and control of Petitioner Susan Patten, as Successor Trustee of the Amos Der Torosian Trust.
6. Petitioner's attorneys' fees in the amount of \$2,413.50 be paid to such attorneys directly from the trust and paid within 10 days of this order.
7. The Court order that such attorney fees and costs as may be allowable by law.

Petition - Determine Succession

DOD: 07/17/14		<p>SUSAN L. DAVIS, RANDALL K. SASAKI, BETTY G. SASAKI, KELLY J. ROBERTSON, and SCOTT J. SASAKI, adult children of decedent, are Petitioners.</p> <p>40 days since DOD</p> <p>No other proceedings</p> <p>I & A - \$115,000.00</p> <p>Will dated 02/02/12 devises residue of estate to her 5 children.</p> <p>Petitioners request Court determination that decedent's 100% interest in real property located at 1018 S. Riverview, Reedley, CA pass to them pursuant to decedent's will.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> 1. The Petition states that decedent had a deceased spouse. Need name and date of death of deceased spouse pursuant to Local Rule 7.1.1D. 2. Will is not self-proving. (Probate Code §8220). Need Affidavit of Subscribing Witness. (Even though the Will is not technically probated, the right to succeed to the property necessarily includes a determination as to the validity of the Will.)
Cont. from			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
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<input type="checkbox"/>	CI Report		
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<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
		<p>Reviewed by: JF</p> <p>Reviewed on: 06/26/15</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 26 – Sasaki</p>	

DOD: 09/30/14		<p>DON LEMLEY and LINDA JENVEY, adult children of the decedent, are Petitioners, are request appointment as Co-Administrators without bond.</p> <p>Full IAEA – ok</p> <p>Decedent died intestate</p> <p>Residence: Fresno Publication: The Business Journal</p> <p>Estimated Value of the Estate: Personal property - \$500,000.00</p> <p>Probate referee: RICK SMITH</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. The Petition indicates that the decedent had a deceased spouse. Need name and date of death of deceased spouse pursuant to Local Rule 7.1.1D.</p>	
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<input type="checkbox"/>	Aff.Sub.Wit.			
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<input type="checkbox"/>	Objections			
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<input type="checkbox"/>	9202			
<input checked="" type="checkbox"/>	Order			
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<input type="checkbox"/>	Status Rpt			
<input type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
<p>Reviewed by: JF</p> <p>Reviewed on: 06/29/15</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 27 - Lemley</p>				

Petition to Determine Succession to Real Property

DOD: 5/28/06			EILEEN COOK , spouse, & CHRISTOPHER COOK, KEVIN COOK, JULIE BRIGGS & KELLEY BARR, children, are petitioners. 40 days since DOD. No other proceedings. Decedent died intestate. I & A - \$145,000.00 Petitioners request Court Determination that Decedent's 50% interest in real property located at 2567 E. El Paso in Fresno passes to them 1/3 to Eileen Cook and 1/6 each to Christopher Cook, Kevin Cook, Julie Briggs and Kelley Barr, pursuant to intestate succession.	NEEDS/PROBLEMS/COMMENTS:
Cont. from				
	Aff.Sub.Wit.			
✓	Verified			
✓	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
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	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			
			Reviewed by: KT	
			Reviewed on: 6/29/15	
			Updates:	
			Recommendation: SUBMITTED	
			File 28 - Cook	

Petition for Probate of Will and for Letters Testamentary; Authorization to Administer Under the IAEA

DOD: 1/15/15		<p>GARY KIEHL is petitioner and requests appointment as executor without bond.</p> <p>Full IAEA – o.k.</p> <p>Holographic Will dated: 4/10/10.</p> <p>Residence: Fresno Publication: Fresno Business Journal</p> <p>Estimated value of the estate:</p> <table> <tr> <td>Personal property -</td> <td>\$ 20,000.00</td> </tr> <tr> <td>Real property -</td> <td>\$275,000.00</td> </tr> <tr> <td>Total -</td> <td>\$295,000.00</td> </tr> </table> <p>Probate Referee: Rick Smith</p>	Personal property -	\$ 20,000.00	Real property -	\$275,000.00	Total -	\$295,000.00	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> 1. There is already an estate opened for this decedent. Daughter, Sarah Ognibene, was appointed Administrator on 5/13/15 in case number, 15CEPR00352. 2. It appears that decedent's last name is spelled incorrectly. Will has her last name spelled Ropolo. It is also listed at Ropolo in case no. 15CEPR00352. 3. Need Original Will 4. Need proof of holographic instrument. 5. Will does not name an executor therefore Petitioner should have petitioned to be appointed as Administrator with Will Annexed. 6. Petition does not contain a typed copy of the Will. Probate Code §8002(b)(1). 7. Petitioner is not listed at #8, as required. 8. Petition does not identify the relationship to the decedent of those listed at #8
Personal property -	\$ 20,000.00								
Real property -	\$275,000.00								
Total -	\$295,000.00								
Cont. from									
<input type="checkbox"/>	Aff.Sub.Wit.								
<input checked="" type="checkbox"/>	Verified								
<input type="checkbox"/>	Inventory								
<input type="checkbox"/>	PTC								
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<input checked="" type="checkbox"/>	Order								
<input type="checkbox"/>	Aff. Posting								
<input type="checkbox"/>	Status Rpt								
<input type="checkbox"/>	UCCJEA								
<input type="checkbox"/>	Citation								
<input type="checkbox"/>	FTB Notice								
		<p>Reviewed by: KT</p> <p>Reviewed on:</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 29 - Ropollo</p>							

Attorney

Kruthers, Heather H. (for Public Guardian – Petitioner)

Attorney

Teixeira, J. Stanley (Court appointed for proposed Conservatee)

Attorney

Petty, Teresa B., in association with Horton, Lisa M. (for Robert Renovato – Objector)

Petition for Appointment of Probate Conservator of the Person and Estate

See petition, objection for details.			NEEDS/PROBLEMS/ COMMENTS:
			Court Investigator advised rights on 6/19/15
			Voting rights affected – need minute order
			<u>Note:</u> Notice of Unavailability of Counsel filed by attorney Petty on 6/19/15 indicates unavailability from 7/2/15-7/27/15.
			<u>Note:</u> A Request for Special Notice was filed 6/22/15 by interested person Kathy Walters of Woodland Hills, CA, by her attorney, Christopher E. Overgaard of Glendale, CA. Kathryn Walters is Ms. Walters' niece and conservator of Ms. Walters' brother Robert Walters.
			<u>Note:</u> If granted, the Court will set status hearings as follows:
			<ul style="list-style-type: none"> • Wed, Dec. 2, 2015 for filing Inventory and Appraisal • Wed, Oct. 5, 2016 for filing the first account.
			If the proper items are on file, the status hearing may come off calendar.
			Reviewed by: skc
			Reviewed on: 6/30/15
			Updates:
			Recommendation:
			File 30 – Walters

	Aff.Sub.Wit.	
✓	Verified	
	Inventory	
	PTC	
	Not.Cred.	
✓	Notice of Hrg	
✓	Aff.Mail	W
	Aff.Pub.	
	Sp.Ntc.	
✓	Pers.Serv.	W
	Conf. Screen	
✓	Letters	
	Duties/Supp	
✓	Objections	
	Video Receipt	
✓	CI Report	
	9202	
✓	Order	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
✓	Citation	
	FTB Notice	

31A Nellie Mae Eldridge (Estate) Case No. 05CEPR00552**Atty Milnes, Michael A. (for Judy Riley – former Executor/Petitioner)****First and Final Acct. and Report of Former Executor and Petition for its Settlement, and Petition for Approval of Preliminary Distribution**

DOD: 06/13/03	JUDY RILEY , former Executor, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: CONTINUED FROM 06/23/15 Minute order from 06/23/15 states: Ms. Kruthers confirms that Mr. Diebert was paid in full for his services. The Court orders that Judy Riley pay the ordered \$1,000.00 sanction by noon on 06/24/15. The Public Administrator is relieved and discharged. Note: Per Substitution of Attorney filed 06/19/15, Judy Riley is now representing herself in pro per.
	Account period: 09/06/05 – 07/15/14	
	Accounting - \$140,531.12	
	Beginning POH - \$140,000.00	
	Ending POH - \$0.00	
Cont. from 042115, 051915, 062315		
<input type="checkbox"/> Aff.Sub.Wit.	Executor - waived	
<input checked="" type="checkbox"/> Verified	Attorney - waived	
<input checked="" type="checkbox"/> Inventory		
<input checked="" type="checkbox"/> PTC		
<input checked="" type="checkbox"/> Not.Cred.	Petitioner states that the only asset of the estate was real property appraised at \$140,000.00 (I & A, final, filed 05/14/15 - \$140,000.00). Petitioner states that the real property was sold on 09/20/05 and the proceeds of the sale were distributed in equal shares to the heirs, pursuant to decedent's will, as follows:	
<input checked="" type="checkbox"/> Notice of Hrg	Glenn Milliorn - \$17,082.06	
<input checked="" type="checkbox"/> Aff.Mail w/	Robert Milliorn - \$17,082.06	
Aff.Pub.	Roger Milliorn - \$17,082.06	
Sp.Ntc.	Kathy Jones - \$17,082.06	
Pers.Serv.	Judy Riley - \$17,082.08	
Conf. Screen	Petitioner prays for an Order that:	
Letters 09/06/05	1. The First and Final Account of Petitioner be settled, allowed and approved as filed;	
Duties/Supp	2. All acts and proceedings of the Petitioner as Executor be confirmed and approved; and	
Objections	3. For such other orders the Court considers proper.	
Video Receipt		Reviewed by: JF
CI Report		Reviewed on: 06/26/15
<input checked="" type="checkbox"/> 9202		Updates:
<input checked="" type="checkbox"/> Order		Recommendation:
Aff. Posting		File 31A - Eldridge
Status Rpt		
UCCJEA		
Citation		
FTB Notice n/a		

31A

31B Nellie Mae Eldridge (Estate) Case No. 05CEPR00552**Atty Milnes, Michael (for Judy Riley – former Executor/Petitioner)****Status RE: Payment of the \$1000.00 Sanction by Ms. Riley**

		NEEDS/PROBLEMS/COMMENTS: <u>OFF CALENDAR</u> Sanctions paid on 06/24/15
Cont. from		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: JF
		Reviewed on: 06/26/15
		Updates:
		Recommendation:
		File 31B - Eldridge

31B

DOD: 1-12-89	MARY ELLEN RODRIGUEZ and DOLORES TRUJILLO , Daughters, were appointed as Co-Administrators without IAEA and with bond of \$8,000.00 on 1-16-1990.	NEEDS/PROBLEMS/COMMENTS: Note: On 2-23-15, the Court confirmed the sale of real property and set status hearing for receipt of the proceeds into a blocked account (Page B). Minute Order 6/24/15: Counsel represents that escrow did not close and funding has not yet occurred.
Cont. from 081414, 100214, 110614, 121814, 020215, 022315, 032515, 040115, 042915, 052015, 062415	Bond was filed and Letters issued on 1-17-1990.	
	Nothing further was filed.	
Aff.Sub.Wit.	The open estate was discovered and the Court set this status hearing.	1. Need Petition for Final Distribution or current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.
Verified		
Inventory		
PTC		
Not.Cred.	The I & A was filed 10-1-14, showing the estate value at \$30,000.00.	
Notice of Hrg		
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UCCJEA		
Citation		
FTB Notice		
		Reviewed by: skc
		Reviewed on: 6-26-15
		Updates:
		Recommendation:
		File 32A – Rodriguez

DOD: 1-12-89	DOLORES TRUJILLO , Daughter, is the sole remaining Administrators without IAEA and with bond of \$8,000.00.	NEEDS/PROBLEMS/COMMENTS: Minute Order 6/24/15: Counsel represents that funding has not yet occurred; she hopes to file a receipt for the blocked account tomorrow. The Court admonishes that if the money is not placed into a blocked account, then the Court will consider invalidating the sale. Continued to 7/1/15. 1. Need receipt for blocked account (MC-356).
Cont. from 032515, 042915, 052015	On 2-23-15, the Court confirmed the sale of real property and ordered the net proceeds of \$12,000.00 to be deposited into a blocked account.	
Aff.Sub.Wit.	The Court set this status hearing for the filing of the receipt for blocked account.	
Verified	Status Report filed 3-24-15 states the petitioner has attempted to open the blocked account. The first time, she was incorrectly informed by a teller that she could not open one under these circumstances.	
Inventory	After the attorney personally contacted the branch manager, he determined there was a miscommunication and assured the attorney that he would personally assist the petitioner when she returned. When she returned, she was informed that they would not open the account without a certified copy of the death certificate. Petitioner then proceeding to obtain a certified copy of the death certificate and returned to the bank the following week. However, without consulting Counsel, Petitioner intended to have the buyer wire funds into the account and did not have a check in hand at the bank. The bank informed Petitioner that the money had to be deposited when the account was opened. Petitioner has no vehicle and the buyer has been taking time from work to transport to the bank for this transaction. As such, Petitioner has not yet returned to the bank.	
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✓ Status Rpt		
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Citation		
FTB Notice	<p>As the procedure at Chase Bank is to allow the legal department a minimum of 7-10 business days to review a Receipt and Acknowledgment form, an additional 30 days is respectfully requested to allow Petitioner to schedule another trip to the bank with the buyer and to allow the bank to review and file the receipt.</p> <p>The First and Final Account and Petition for Final Distribution is ready for filing as soon as the funds are deposited. Counsel respectfully requests an additional 30 days for the filing of this petition as well.</p>	
Reviewed by: skc Reviewed on: 6-26-15 Updates: Recommendation: File 32B - Rodriguez		

Atty
Atty
Atty

LeVan, Nancy J. (for Administrator Lorena Garcia)
Hastrup, John W. (also for Lorena Garcia)
Littlewood, William (for Omega Ochoa Garcia – Surviving Spouse)
Status Conference Re: Litigation & Mediation

DOD: 2-7-07	LORENA GARCIA , Daughter is Administrator with limited IAEA without bond. Letters issued 7-21-08.	NEEDS/PROBLEMS/COMMENTS: Minute Order 6/24/15: Mr. Hastrup will be seeking to invalidate the settlement agreement, with his client returning the \$1,000.00, and not accepting the remaining \$50,000.00 of the offer.
Cont. from 042613, 083013, 013014, 050114, 100214, 120414, 041615, 061115	On 7-14-09, the Court approved a settlement agreement between Administrator (daughter) and Omega Ochoa Garcia (surviving spouse) and allowed continuation of estate administration pending certain issues: 1) Retrial of the damages portion of Civil Case # 04CECG03607 Garcia v. Roberts; and 2) Receipt of proceeds due from an eminent domain matter	
Aff.Sub.Wit.	On 10-4-11 (the 7 th status hearing regarding retrial of the damages issue), Attorney Emerzian advised the Court that a motion for a new trial was denied and an appeal has been filed, and that deposits need to be made.	
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg	Status Report filed 8-27-13 states the estate is currently in a holding pattern pending the outcome of the appeal of the civil matter which holds the bulk of the estate property. There have been no funds received into the estate from the \$184,798 awarded in 7/2011 due to the appeal on behalf of the Roberts. The personal property listed on the inventory is currently in the possession of Omega Garcia (spouse). Until the civil matter is decided, we do not know what the final I&A amount will be.	
Aff.Mail		
Aff.Pub.		
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Pers.Serv.		
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Letters		
Duties/Supp		
Objections	Status Report filed 11-24-14 states an email from Attorney Littlewood of McComrick Barstow, who handled the civil litigation regarding the real property and is also handling enforcement of the judgment with the Sheriff's Dept., on 11-20-14 stated that the Writ of Execution and instructions have been submitted to the sheriff. To date, the Sheriff has not issued a Notice of Sale, and calls to the Sheriff's Dept. have gone unreturned. Attorney Littlewood's colleague, John Hastrup, will attend the hearing on 12-4-14 to give the Court information.	
Video Receipt		
CI Report		
9202		
Order	Status Report filed 4-14-15 states Attorney John Hastrup is now handling enforcement of the judgment with the Sheriff's Department. The Court ordered the Roberts to appear 5-14-15 and show cause why their property should not be sold to satisfy the judgment. Nothing further can happen until after that date. Ms. LeVan therefore requests a 60 day continuance.	
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice	Status Report filed 6-9-15 states the hearing on the OSC in 04CECG03607 was continued to 6-25-15. Therefore, a 60 day continuance is requested.	
		Reviewed by: skc Reviewed on: 6/26/15 Updates: Recommendation: File 33 - Garcia